Yale clinic helps secure precedent-setting victory for immigrants

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The National Law Journal | December 21, 2010

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Yale Law School's Muneer Ahmad

Three years of work by students in Yale Law School's Worker and Immigrant Rights Advocacy Clinic paid off in a big way last week, when a federal judge ruled that officials with U.S. Immigration and Customs Enforcement may be sued for civil rights violations.

The ruling, issued by Judge Stefan Underhill of the U.S. District Court for the District of Connecticut, said that ICE officials aren't immune from such suits, and that the court has jurisdiction over this type of immigration case.

"We believe this is the most sweeping decision by a district court on this issue," said Muneer Ahmad, the director of the clinic. "It means that ICE, as a law enforcement agency, is subject to the same measures of constitutional accountability as other agencies."

Yale law student Mark Pedulla said Underhill's refusal on Dec. 16 to dismiss the case was welcomed by the students, attorneys and plaintiffs. "Everyone was pleased with the decision," said Pedulla, who assisted in oral arguments on Oct. 26. "It's an important step."

Pedulla is one of six law students working on the case, with about 25 other students being involved during the past three years. Pro bono attorneys from Cleary Gottlieb Steen & Hamilton also represent the plaintiffs.

The case stems from an ICE raid on the predominantly Hispanic Fair Haven section of New Haven, Conn., in June 2007. Thirty-two people were arrested during the three-day raid, most of them bystanders and not the people with criminal backgrounds for whom ICE agents were looking, Ahmad said.

The clinic began representing some of those arrested in their immigration cases in 2007, and in 2009 filed *Diaz-Bernal v. Myers*, the civil rights case. The plaintiffs argue that top-level ICE officials instituted policies and programs that violated the Fourth Amendment rights of the 11 plaintiffs. For example, they alleged, ICE officers entered numerous homes without search warrants or consent during the raid. The government responded with a motion to dismiss the majority of the case.

Although Underhill dismissed some minor claims, he found that the most important ones have enough merit to go forward, Ahmad said.

Pedulla, who has spent countless hours handling everything from discovery and research to depositions, understands that the case is far from over. Just a 2L, he plans to stay involved until he graduates.

"It's been an incredible opportunity to learn. In many ways the clients have inspired all our work," he said. "They want to make sure what happened to them doesn't happen to anyone else, as far as their rights being violated. They are seeking dignity and respect before the court."

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